

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

)

Case No: 3:21-cr-167-KDB-DCK-2

Brandon Antoine Martin

)

USM No: 53578-509Date of Original Judgment: 07/12/2022

)

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 48 months on Count 1, 84 months consecutive months on Count 2 to run consecutive months is reduced to 39 months on Count 1, 84 months on Count 2 to run consecutive.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 07/12/2022 shall remain in effect.**IT IS SO ORDERED.**

Signed: May 12, 2024


Kenneth D. Bell
United States District Judge

Judge's signature

Effective Date:

Kenneth D. Bell

(if different from order date)

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

DEFENDANT: Brandon Antoine Martin
CASE NUMBER: 3:21-cr-167-KDB-DCK-2
DISTRICT: Western District of North Carolina

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: 17 Amended Total Offense Level: 17
Criminal History Category: V Criminal History Category: IV
Previous Guideline Range: 46 to 57 months Amended Guideline Range: 37 to 46 months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.

III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)

Defendant had “status points” under U.S.S.G. §4A1.1 in Amendment 821. Defendant had 8 criminal history points before the addition of 2 status points. (Doc. No. 44, ¶¶ 45-46). With the removal of 1 status point (because he had 7 criminal history points or more), criminal history points of 9 equals a criminal history category of IV. With an Offense Level of 17 and a criminal history category IV, the amended guideline range would be 37 to 46 months.